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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,244	01/08/2004	Peter J. Fellingham	86742WRZ	6721
7590	12/30/2005			
Mark G. Bocchetti Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			EXAMINER GRAVINI, STEPHEN MICHAEL	
			ART UNIT	PAPER NUMBER
			3749	
DATE MAILED: 12/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/753,244

Applicant(s)

FELLINGHAM ET AL.

Examiner

Stephen Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-9, 11-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-9, 11-16 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. In that claim, it is considered that the amended feature reciting a "heater being operatively associated with the media support through a conductive path operable to conduct heat from the heater to the media support" is not considered to be supported by the original filed specification and claims. Examiner interprets specification paragraph [0026] such that a support conducts heat, but not the operative association, as claimed. One skilled in the art would not be reasonably conveyed that the inventors had possession of the claimed invention based on current Office practice and procedure.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1-9, 11-13, 16, 18-19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuseya et al. (US 2002/0175795). Fuseya is considered to disclose the claimed invention comprising:

a media support **108** having a first surface **128** and a second surface **127**, the first surface defining a media travel path; and

a heater **30** positioned spaced apart from the second surface of the media support, the heater being operatively associated with the media support through a conductive oath operable to conduct heat from the heater to the media support. the second surface of the media support being located between the heater and the first surface of the media support as discussed in paragraphs [0071] through [0078]; or alternatively;

a media support **108** having a curved surface as shown in figures 1 & 2;

a plurality of heaters **30**; and

a plurality of heater extensions **9**, each of the plurality of heater extensions being in contact with the media support each of the plurality of heater extensions being operatively associated with one of the plurality of heaters, wherein heat generated by the plurality of heaters is conducted to the curved surface of the media support through the plurality of heater extensions as discussed in paragraphs [0071] through [0078]. Fuseya is also considered to disclose the claimed curved portion including the first surface as shown in figure 2, a conductive path comprises a heat conductive extension **9** connected at one end to the second surface of the media support, the heater is being

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connected to another location of the extension, an extension is connected to the curved portion of the media support wherein the conductive path comprises a heat conductive extension connected to the second surface of the media support and the heater as shown in figures 2 & 3, a the conductive path comprises a heat conductive extension connected at one end to the second surface of the media support, wherein a portion of the extension is positioned below relative to the heater such that the heater is supported by the extension wherein the conductive path comprises a heat conductive extension connected at one end to the second surface of the media support, ' the heater is being connected to another location of the extension as shown in figures 1, 4, 5, & 6, heat conductive first and second surfaces of the media support as disclosed in paragraphs [0071] through [0078], a heat conductive extension connected at one end to another portion of the media support and connected at another end to the second surface of the media support, the heater is being connected to another location of the extension as shown in figures 8 & 9, a spacer 4 other portion of the media support, a heat conductive path comprises a heat conductive extension integrally formed at one end to the second surface of the media support, the heater is being connected to another location of the extension as shown in figures 18A & 18C, a heat conductive first surface of the media support as disclosed in paragraph [0003] and a media support having a thickness, the extension having a length, wherein a ratio of the length of the extension to the thickness of the media support is greater than 1 as shown in figure 1.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Steele (US 5,025,292). Steele is considered to disclose the claimed invention comprising:

conducting heat from a source of heat through an extension to a surface of a support, the surface of the support being contactable with the article wherein the claimed heat conduction through an extension to a surface of a support is considered broadly and reasonably construed to be disclosed on the face of that reference. Specifically the carrier or platen **12** moves along a processing path as disclosed in column 4, past a heating station **31** made up a heater element **43** and reflector **45** as disclosed in columns 6 & 7 and also shown in figure 2. Since the carrier or platen is used to retaining an electrographic medium **16** article. It is considered that heat is conducted to the article while on its retaining support and moved past the heating station. Also because the disclosed article is supported by the carrier or platen, it is considered that the claimed surface of the support being contactable with the article is also anticipated by Steele.

Claim Rejections - 35 USC § 103

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwiebert in view of Hudson (US 3,158,509). Schwiebert is considered to clearly anticipate the claimed invention, except for the claimed heat insulating component and platen. Hudson, another drying system, is considered to disclose a heat insulating component and platen at column 5 lines 3-72. It would have been obvious to one skilled in the art to combine the teachings of Schwiebert with the heat insulating component and platen, considered disclosed by Hudson, for the purpose of providing a structural and heat transfer surface for further processing of media.

Response to Arguments

Applicant's arguments filed November 10, 2005 have been fully considered but they are not persuasive.

anticipation

With respect to the first and second independently claimed embodiments, the amended claims necessitated a new ground of rejection such that the arguments regarding patentability of those claims are moot.

Applicants correctly identify the disclosed elements of primary reference Steele in addressing the anticipatory rejection of the third independently claimed embodiment. The argued heat conduction source through a support surface extension is considered to be anticipated by that reference as discussed above. The anticipatory rejection is considered proper and therefore maintained.

obviousness

Applicants argue that since the anticipatory rejection is allegedly overcome, the obviousness rejection should be withdrawn. The anticipatory rejection is considered proper and therefore the obviousness rejection is also considered proper and maintained.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571 272 4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMG
December 21, 2005

